

This is the Final working draft. PE can use this draft for their Tender preparation. During preparation of Tender, if any problem/ confusion arise, PEs are requested to contact with CPTU for further clarifications. If any comments/ suggestions to offer, please send them to e-mail: info@cptu.gov.bd;



Preliminary Working Draft

**GOVERNMENT OF THE PEOPLE'S REPUBLIC
OF BANGLADESH**

**Standard Pre-qualification Document
For Procurement of Works (International)
[Open Tendering Method]**

(for values above Tk.350 million)

**Central Procurement Technical Unit
Implementation Monitoring and Evaluation
Division
Ministry of Planning**

Guidance Notes on the Use of The Standard Pre-qualification Document

These guidance notes have been prepared by the CPTU to assist the Procuring Entities in the preparation, using this Standard Pre-qualification Document (SPD), for **international** procurement of Works and Physical services having estimated cost above Tk 350 million. The Procuring Entities should also refer to the Public Procurement Act 2006 (Act No 24 of 2006) and the Public Procurement Rules, 2008 and, amendment thereto, issued to supplement the Act available on CPTU's website: <http://www.cptu.gov.bd/>. All concerned are advised to refer to the aforementioned Act and Rules, in particular **Section 33 and Rule 83** respectively, while participating in any Tendering process. The Pre-qualification process is required to follow **Section 41, 42 and 43** of the Act, 2006 and **Rule 91, 92 and 93** of the Rules, 2008.

The Procuring Entities may undertake Pre-qualification for large and complex Procurements such as, Construction Works, Maintenance Works, Design and build infrastructure, and Management contracts, subject to the thresholds specified in Schedule II of the Public Procurement Rules, 2008.

The decision whether to carry out prequalification is a matter of professional judgment based upon a number of considerations about the contract itself, and about the actual process of prequalification. Contract considerations include size, complexity, limitations on completion time, the critical nature of the works, environmental impact, associated risks, etc. Considerations regarding the process of prequalification should weigh the potential advantages against the potential disadvantages mentioned in paragraphs below.

The prequalification process may be of benefit to both Tenderers and Procuring Entities alike, in that:

- (a) the process enables prospective Tenderers, who may be insufficiently qualified on their own, to avoid the expense of Tendering. Conversely it is an incentive for these potential Tenderers to form a Joint Venture that may give them a better chance of success;
- (b) after being pre-qualified, well-qualified firms will price their Tenders with the knowledge that they are competing against other qualified Tenderers meeting realistic minimum competence criteria; the assurance that inadequately qualified competitors will be excluded from submitting unbalanced low-priced Tenders thus encourages leading contractors to tender;
- (c) pre-qualification enables Procuring Entities to assess the interest from qualified firms generated by the contract and, in the event that only a limited number of Applications are received, to make any necessary

adjustments in the procurement process (including, in particular, the Particular Conditions of Contract—sharing of risk, payment terms, liquidated damages, or completion times, which may be perceived as onerous by potential Tenderers);

- (d) it helps to expose potential conflicts of interest by identifying contractors who may have a business association with consultants to the project;
- (e) it reduces the amount of work and time involved by Procuring Entities in evaluating Tenders from unqualified contractors;
- (f) it encourages local firms to form Joint Ventures with other local or international firms, thereby benefiting from their resources and experience;
- (g) it enables the Procuring Entities to assess the likelihood of contractors' eligibility for '**domestic preference**' where this is applicable; and
- (h) it reduces significantly, if not eliminates, problems of rejection associated with low-priced Tenders submitted by Tenderers of doubtful capability; and.
- (i) it gives the Development Partner some indication of Procuring Entities' ability to manage an important, early procurement function.

On the other, prequalification has some potential disadvantages:

- (a) it may increase procurement lead time, although this can be minimized by good procurement scheduling, e.g., undertaking the prequalification process while Tender Documents are being prepared;
- (b) the Procuring Entities are required to review all prequalification Applications, whereas post-qualification requires the review of the qualifications of, normally, only the lowest evaluated Tenderer;
- (c) collusion and the possibility of price-rigging is easier among a limited number of identified Tenderers, particularly if they are of the same nationality;
- (d) the element of subjective judgment required by evaluators when applying the prequalification criteria to a number of Applicants, and the discretionary rights reserved to the Procuring Entities, provide opportunities for externally influenced deviations from the expected high standards of ethics and impartiality in pre-qualifying Applicants.

The Procuring Entities need to carefully consider the advantages and disadvantages of Pre-qualification before initiating the Pre-qualification process for Procurement of Works and Physical services and, shall obtain the approval of the Head of the Procuring Entity or an officer authorized by him or her.

SPD(**PQW5**) has been designed to: (i) simplify the Procuring Entities' preparation of a specific Prequalification Document (PQD) for Procurement of Works; (ii) reduce the Applicants' preparation time and effort; and (iii) facilitate and simplify the Procuring Entities' evaluation of Applications.

SPD (**PQW5**) is based upon internationally acceptable model formats, which have been adapted to suit the particular needs of the procurement through a pre-qualification process.

The use of SPD (**PQW5**) applies when a particular Procuring Entity (**Employer**) intends to select a Tenderer (a **Contractor**) for the **international** Procurement of Works and physical services under Open Tendering Method (OTM) while the contract award is being subsequently determined on the basis of lowest evaluated responsive Tender._

The **Employer** addresses its specific needs through the information provided in the **Application Data Sheet (ADS)**.

Guidance notes in brackets and italics are provided for both the **Employer** and the **Applicants** and as such the **Employer** should carefully decide what notes need to remain and what other guidance notes might be required to assist the Applicant in preparing its Application Submission; so as to minimise the inept Pre-qualification Process. The **Invitation for Pre-qualification (IFP)** is provided in this Pre-qualification Document for information only.

SPD (**PQW5**) when properly completed will provide all the information that an Applicant needs in order to prepare and submit an Application. This should provide a sound basis on which the **Employer** can fairly, transparently and efficiently carry out the Application evaluation process on the Applications submitted by the Applicants.

The prequalification process includes four main phases: (i) Advertising, (ii) Preparation and Issuing of the Prequalification Document, (iii) Application Preparation and Submission and, (iv) Application Evaluation, and Prequalification of Applicants.

SPD (**PQW5**) has 4 Sections, of which **Section 1: Instruction to Applicants** must not be altered or modified under any circumstances.

The following briefly describes the Sections of SPD (**PQW5**) and how the **Employer** should use these when preparing a particular Pre-qualification Document.

Section 1. Instructions to Applicants (ITA)

This Section provides relevant information to help Applicants prepare their Applications. Information is also provided on the submission, opening, and evaluation of Applications and on the award of Contract. The Instruction to Applicants (ITA) specifies the instructions and procedures that govern the pre-qualification process. This Section also contains the criteria to be used by the Employer to determine the qualifications of the Applicants to participate in the subsequent Tenders and to perform the Contract.

Section 2. Application Data Sheet (ADS)

This Section provides the information that is specific to each object of procurement and that supplements the information or requirements included in **Section 1: Instructions to Applicants**. The **Employer** shall specify in the ADS only the information that the ITA instructs to be specified in the ADS. To facilitate the preparation

of the ADS, its Clause Numbers are numbered with the same numbers of the corresponding ITA Clauses.

Section 3. Application Forms

This Section provides all Application Forms that Applicants must complete and submit together with their Applications. These Forms are included in Section 3 of the Pre-qualification Document.

Section 4. Scope of Works

This Section provides sufficient information for an Applicant to decide whether or not to compete for this type of the Works, and whether it will need to use Subcontractors for specific parts of the Works, and/or form a Joint Venture including information on Description of Works, Construction Period(s) and, Site and other Data.

A Brief Notes on IFP, Sample Formats for Notification and a Pre-qualification Evaluation Flow Chart attached at the back for information and overall guidance for the **Employer** only and shall not be the part of the Pre-Qualification Document.

[enter here the name and address of the Employer]

PRE-QUALIFICATION DOCUMENT FOR PROCUREMENT OF WORKS (INTERNATIONAL)

[enter here the nature of the works and physical services to be procured]

Invitation for Pre-qualification No:
Issued on:
Tender Package No:

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Section 1. Instructions to Applicants

A. General

1. Scope of Application	1.1 The Employer, as indicated in the Application Data Sheet (ADS) issues this Pre-qualification Document for the international procurement of Works and associated Services incidental thereto as specified in the ADS. The name of the subsequent Tender and the number and identification of its constituent lot(s) are stated in the ADS.
	1.2 The successful Applicant and thereafter the Tenderer shall be required to execute the works and physical services as would be specified in the subsequent Tender.
2. Interpretation	2.1 Throughout this Pre-qualification Document: <ul style="list-style-type: none"> (a) the term “in writing” means communication written by hand or machine duly signed and includes properly authenticated messages by facsimile or

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electronic mail;

- (b) if the context so requires, **singular** means plural and vice versa;
- (c) **“day”** means calendar days unless otherwise specified as working days;
- (d) **“Pre-qualification Document”** means the Document provided by the Employer to an Applicant as a basis for preparation of the Application; and
- (e) **“Application”** depending on the context, means an Application submitted by an Applicant for pre-qualification to participate in the subsequent Tenders and to perform the Contract, in response to an Invitation for Pre-qualification.

3. Source of Funds

- 3.1 The Employer has been allocated **‘public funds’** as indicated in the ADS and intends to apply a portion of the funds to eligible payments under the Contract for which this Pre-qualification Document is issued.
- 3.2 For the purpose of this provision, **“public funds”** means any funds allocated to the Employer under Government budget, or loan, grants and credits placed at the disposal of the Employer through the Government by the Development Partners or foreign states or organisations.
- 3.3 Payments by the Development Partner, if so indicated in the ADS, will be made only at the request of the Government and upon approval by the Development Partner or foreign state or organisation in accordance with the applicable Loan / Credit / Grant Agreement, and will be subject in all respects to the terms and conditions of that Agreement.

4. Corrupt, Fraudulent, Collusive or Coercive Practices

- 4.1 The Government requires that Employer, as well as Applicants, Tenderers and Contractors shall observe the highest standard of ethics during implementation of procurement proceedings and the execution of Contracts under public funds.

4.2 The Government requires that Employer, as well as Applicants, Tenderers and Contractors shall, during the Procurement proceedings and the execution of Contracts under public funds, ensure-

- (a) strict compliance with the provisions of Section 64 of the Public Procurement Act, 2006;
- (b) abiding by the code of ethics as mentioned in the Rule 127 of the Public Procurement Rules, 2008;
- (c) that neither it's any officer nor any staff nor any other agents nor intermediaries working on its behalf engages in any such practice as detailed in ITA Sub Clause 4.2(b).

4.3 For the purposes of ITA Sub Clause 4.2, the terms set forth below as follows:

- (a) **“corrupt practice”** means offering, giving or promising to give, receiving, or soliciting either directly or indirectly, to any officer or employee of the Employer or other public or private authority or individual, a gratuity in any form; employment or any other thing or service of value as an inducement with respect to an act or decision or method followed by the Employer in connection with a Procurement proceeding or Contract execution;
- (b) **“fraudulent practice”** means the misrepresentation or omission of facts in order to influence a decision to be taken in a Procurement proceeding or Contract execution;
- (c) **“collusive practice”** means a scheme or arrangement between two (2) or more Persons, with or without the knowledge of the Employer, that is designed to arbitrarily reduce the number of Applications or subsequent Tenders submitted or fix Tender prices at artificial, non-competitive levels, thereby denying the Employer the benefits of competitive price arising from genuine and open competition;
- (d) **“coercive practice”** means harming or threatening to harm, directly or indirectly, Persons or their property to influence a decision to be taken in the Procurement proceeding or the execution of a Contract, and this will include creating obstructions in the normal submission process used for Applications or subsequent Tenders.

4.4 Should any corrupt, fraudulent, collusive or coercive practice of any kind come to the knowledge of the Employer, it will, in the first place, allow the Applicant to provide an explanation and shall, take actions only when a satisfactory explanation is not received. Such decision and the reasons thereof, shall be recorded in the record of the procurement proceedings and promptly

communicated to the Applicant concerned. Any communications between the Applicants and the Employer related to matters of alleged fraud or corruption shall be in writing.

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5. Eligible Applicants

- 4.5 If corrupt, fraudulent, collusive or coercive practices of any kind is determined by the Employer against any Applicant alleged to have carried out such practices, the Employer shall :
 - (a) exclude the concerned Applicant from further participation in the particular Procurement proceeding; or
 - (b) reject any recommendation for award that had been proposed for that concerned Applicant; or
 - (c) declare, at its discretion, the concerned Applicant to be ineligible to participate in further Procurement proceedings, either indefinitely or for a specific period of time.
- 4.6 Applicants shall be aware of the provisions on corruption, fraudulence, collusion and coercion in Section 64 of the Public Procurement Act, 2006 and Rule 127 of the Public Procurement Rules, 2008.
- 5.1 This Invitation for Pre-qualification is open to all potential Applicants from all countries, except for any specified in the ADS. An Applicant will be eligible if it is a citizen, or is constituted, registered and operates in conformity with the provisions of the laws of that country.
- 5.2 Applicants may be a physical or juridical individual or body of individuals, or company, association or any combination of them in the form of a Joint Venture, Consortium or Association (JVCA) invited to take part in public procurement or seeking to be so invited or submitting a Applicant in response to an Invitation for Pre-qualification.
- 5.3 A Government-owned enterprise in Bangladesh shall be eligible to participate in the pre-qualification process if it is legally and financially autonomous, it operates under commercial law, and it is not a dependent agency of the Employer.
- 5.4 Applicants shall have the legal capacity to enter into the Contract under the Applicable Law.
- 5.5 Applicants and all parties constituting the Applicant shall not have a Conflict of Interest.
- 5.6 Applicants in its own name or its other names or also in the case of its Persons in different names shall not be under a declaration of ineligibility for corrupt, fraudulent, collusive or coercive practices as stated under ITA Sub

Clause 4.5.

- 5.7 Applicants with a poor performance, consistent history of litigation or arbitration awards against it shall not be eligible for pre-qualification.
- 5.8 Applicants shall not be insolvent, be in receivership, be bankrupt, be in the process of bankruptcy, be not temporarily barred from undertaking business and it shall not be the subject of legal proceedings for any of the foregoing.
- 5.9 Applicants shall have fulfilled its obligations to pay taxes and social security contributions under the provisions of laws and regulations of the country of its origin.
- 5.10 Applicants shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer will reasonably request.
- 5.11 Applicants' requirements for eligibility will extend, as applicable, to each JV partner and Specialist Subcontractor proposed by the Applicant.

6. Eligible Materials, Equipment and Associated Services

- 6.1 All materials, equipment and associated services to be supplied under the Contract are from eligible sources, unless their origin is from a country specified in the ADS.
- 6.2 For the purposes of this Clause, "**origin**" means the place where the Materials and Equipments are mined, grown, cultivated, produced or manufactured or processed, or through manufacturing, processing, or assembly, another commercially recognized new product results that differs substantially in its basic characteristics from its components or the place from which the associated services are supplied.

7. Site Visit

- 7.1 Applicants are advised to visit and examine the Site of Works and its surroundings and obtain for itself on its own responsibility all information that may be necessary for preparing the Application, submission of subsequent Tender and entering into a contract for construction of the Works.
- 7.2 Applicants and any of its personnel or agents will be granted permission by the Employer to enter into its premises and lands for the purpose of such visit, but only upon the express condition that the Applicant, its personnel, and agents will release and indemnify the Employer and its personnel and agents from and against all liability in respect thereof, and will be responsible for death or personal injury, loss of or damage to property, and any other loss, damage, costs, and expenses incurred as a result of the inspection.

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8. Pre-qualification Document: General

7.3 The costs of visiting the Site shall be at the Applicants' own expense.

B. Pre-qualification Document

9. Clarification of Pre-qualification Document

8.1 The Sections comprising the Pre-qualification Document are listed below, and should be read in conjunction with any Addendum issued under ITA Clause 11.

- Section 1 Instructions to Applicants(ITA)
- Section 2 Application Data Sheet (ADS)
- Section 3 Application Forms
- Section 4 Scope of Works

8.2 The Employer will not take into consideration any Application if the Pre-qualification Document was not directly purchased from, or issued by the Employer, or through its agent(s) as stated in the ADS.

8.3 Applicants are expected to examine all instructions, forms, terms, and specifications in the Pre-qualification Document as well as in Addendum to Pre-qualification, if any.

9.1 Applicants requiring any clarification of the Pre-qualification Document shall contact the Employer in writing at the Employer's address indicated in the ADS before **two-third** of the time allowed for preparation and submission of Application elapses.

9.2 The Employer is not obliged to answer any clarification request received after that date as stated under ITA Sub Clause 9.1.

9.3 The Employer shall respond in writing within five (5) working days of receipt of any such request for clarification received under ITA Sub Clause 9.1.

9.4 The Employer shall forward copies of its response to all those who have purchased or have been issued with the Pre-qualification Document, including a description of the enquiry but without identifying its source.

9.5 Should the Employer deem it necessary to revise the Pre-qualification Document as a result of a clarification, it will do so following the procedure under ITA Clause 11 and ITA Sub Clause 31.2.

10. pre-Pre-qualification Meeting

10.1 To clarify issues and to answer questions on any matter arising in the Pre-qualification Document, the Employer may, if stated in the ADS, hold a pre-Pre-qualification Meeting at the place, date and time as specified in the ADS. All Applicants are encouraged and invited to attend the meeting, if it is held.

10.2 Minutes of the pre-Pre-qualification meeting, including the text of the questions raised and the responses given, together with any responses prepared after the meeting, will be transmitted within seven (7) days of holding the meeting to all those who purchased or obtained the Pre-qualification Document and, to even those who did not attend the meeting. Any revision to the Pre-qualification Document listed in ITA Sub Clause 8.1 that may become necessary as a result of the pre- Pre-qualification meeting will be made by the Employer exclusively through the issue of an Addendum pursuant to ITA Sub Clause 11 and not through the minutes of the pre- Pre-qualification meeting.

10.3 Non-attendance at the pre- Pre-qualification meeting will not be a cause for disqualification of an Applicant.

**11.
Addendum
to Pre-
qualificati
on
Document**

11.1 At any time prior to the deadline for submission of Applications, the Employer, on its own initiative or in response to an inquiry in writing from an Applicant, having purchased the Pre-qualification Document, or as a result of a pre- Pre-qualification meeting may revise the Pre-qualification Document by issuing an Addendum.

11.2 The Addendum issued under ITA Sub Clause 11.1 shall become an integral part of the Pre-qualification Document and shall have a date and an issue number and must be circulated by fax, mail or e-mail, to Applicants who have purchased or been issued with the Pre-qualification Documents within five (5) working days of issuance of such Addendum, to enable Applicants to take appropriate action.

11.3 Applicants shall acknowledge receipt of an Addendum within three (3) working days.

11.4 The Employer shall also ensure posting of the relevant Addenda with the reference number and date on their websites including notice boards, where the Employer had originally posted the IFPs.

11.5 Applicants who have purchased or been issued with the Pre-qualification Documents and, have not received any Addenda issued under ITA Sub Clause 11.1 shall inform the Employer of the fact by fax, mail or e-mail, before **two-
third** of the time allowed for the submission of Application has elapsed.

11.6 To give potential Applicants a reasonable time in which to take an Addendum into account in preparing its Application, the Employer may, at its discretion, extend the deadline for the submission of Application as stated under Sub Clause 31.2.

11.7 If an Addendum is issued when time remaining is less than **one-third** of the time allowed for the preparation of Applications, the Employer shall extend the deadline by an appropriate number of days for the submission of Applications, depending upon the nature of the Procurement requirement and the addendum. The minimum time for such extension shall not be less than three (3) days.

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12. Qualification

12.1 Applicants shall be able to abide by the professional and ethical standards set out in Section 64 of the Public Procurement Act, 2006 and Rule 127 of the Public Procurement Rules, 2008.

12.2 The Employer requires the Applicants to be qualified by meeting predefined, precise minimum requirements, which entails setting pass/fail criteria, which if not met by the Applicants, will result in consideration of its Application as disqualified.

12.3 In addition to meeting the eligibility criteria, as stated under ITA Clause 5, the Applicant shall satisfy the other criteria as stated under ITA Clauses 12 to 19 inclusive.

12.4 Applicants, with regard to professional and technical capacity to execute Works they are applying for, shall possess:

- (i) the professional and technical qualifications;
- (ii) managerial capability;
- (iii) satisfactory reputation for diligent and non-problematic performance of contracts; and
- (iv) appropriate personnel required to perform the contract; both in terms of numbers and skills.

12.5 To qualify for a multiple number of lots in a package for which Applications are invited in the Invitation for Pre-qualification, the Applicants shall demonstrate having requirements and resources sufficient to meet the aggregate of the qualifying criteria for individual lots.

12.6 The requirements of general experience as stated under ITA Sub Clause 14.1 (a) and specific experience under ITA Sub Clause 14.1 (b) shall not be separately applicable for each individual lot.

13. Litigation History

13.1 Non-performance of a contract shall not occur within the last years as specified in the ADS, prior to the deadline for Application submission based on all information on fully settled disputes or litigation.

For the purpose, a fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective contract and where all appeal

instances have been exhausted.

13.2 All pending litigation shall in total not represent more than the percentage, as specified in the ADS, of the Applicant's net worth and shall be treated as resolved against the Applicant.

13.3 For a Joint Venture under ITA Sub Clause 18.1, the precise minimum requirements of Leading Partner and other partners shall be as specified in the ADS.

14. Experience Criteria

14.1 Applicants shall have the following minimum level of construction experience to qualify for participation in the subsequent Tender and if successful, the performance of the Works under the Contract:

- (a) a minimum number of years of general experience in the construction of works as Prime Contractor or Subcontractor or Management Contractor as specified in the ADS; and
- (b) a minimum number of years of specific experience as a Prime Contractor or Subcontractor or Management Contractor in construction works of a nature, complexity and methods/construction technology similar to the proposed Works in at least a number of contracts over the period, as specified in the ADS; and
- (c) satisfactory completion of similar works of a minimum value under a single or multiple numbers of contracts over a period, as specified in the ADS.

15. Financial Criteria

15.1 Applicants shall have the following minimum level of financial capacity to qualify for participation in the subsequent Tender and if successful, the performance of the Works under the Contract.

- (a) the average annual **construction** turnover as specified in the ADS during the period specified in the ADS; and
- (b) the minimum Tender capacity as specified in the ADS;
- (c) availability of minimum liquid assets or working capital or credit facilities from a Bank, as specified in the ADS.

16. Personnel Capacity

16.1 Applicants shall have the following minimum level of personnel capacity to qualify for participation in the subsequent Tender and the performance of the Works under the Contract:

- (a) a Construction Project Manager with qualifications and experience as specified in the ADS;
- (b) the minimum number of Engineers with qualifications and experience as specified in the

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ADS; and

(c) other key staff with qualifications and experience as specified in the ADS.

17. Equipment Capacity

17.1 Applicants shall own suitable equipment and other physical facilities or have proven access through contractual arrangement to hire or lease such equipment or facilities for the desired period, where necessary or have assured access through lease, hire, or other such method, of the essential equipment, in full working order, as specified in the ADS.

18. Joint Venture, Consortium or Association (JVCA)

18.1 Applicants may participate in the pre-qualification process and subsequent procurement proceedings by forming a Joint Venture, Consortium or Associations (JVCA) or alternately with the intent to enter into such an agreement supported by a Letter of Intent.

18.2 The JV agreement, indicating at least the parts of the Works to be executed by the respective partners, shall be legally entered into case-by-case in the Applicant's Leading Partner's country of origin, as specified in the ADS, duly signed by all legally authorised representatives of the Persons who are parties to such agreement.

18.3 Applicants, as an alternate to ITA Sub Clause 18.2, may intend to enter into a JV agreement case-by-case in the form of a Letter of Intent along with the proposed agreement, indicating at least the parts of the Works to be executed by the respective partners, duly signed by all partners of the intended JV and authenticated by an authority of the Applicant's Leading Partner's country of origin, as stated in the ADS, with the declaration that the partners will execute the Joint Venture agreement in the event the Applicant, in the first place pre-qualified and then successful in the subsequent Tender.

18.4 Applicants shall submit the Letter of Intent and the proposed JV agreement along with the Application.

18.5 For a Joint Venture under ITA Sub Clause 18.1, the precise minimum qualification requirements of Leading Partner and other partners shall be as specified in the ADS.

18.6 In cases where a JV partner's, personnel capacity, equipment capacity and financial capacity individually fulfils the precise minimum qualifying requirement of that particular component as specified, capacities of such partner(s) in the JV will be combined together for summation to determine the total precise minimum qualifying requirements criterion of that JV as stated under ITA Sub Clause 18.5.

18.7 Each partner of the JV shall be jointly and severally liable for the execution of the Contract, all liabilities and ethical

and legal obligations in accordance with the Contract terms.

18.8 The JV shall nominate a Representative (partner-in-charge) who shall have the authority to conduct all business for and on behalf of any and all the partners of the JV during the tendering process and, in the event the JV is awarded the Contract, during contract execution including the receipt of payments for and on behalf of the JV.

18.9 The composition or the constitution of a JV once formed shall not be allowed to be altered prior to signing of the Contract.

18.10 Alteration of partners to the composition or constitution at a date later than the signing of the Contract during execution shall be allowed by the Employer only when any of such partners is found to be incompetent or has serious difficulties which may impact the overall implementation of the proposed Works, where the incoming partner shall require to have qualifications higher than that of the outgoing partner.

18.11 Each partner of the JV shall complete the JV Partner Information (**Form PQW5-3**) for submission with the Application.

19. Subcontractor(s)

19.1 Applicants may intend to subcontract an activity or part of the Works to a Specialist Subcontractor, in which case such elements and the proposed Subcontractor shall be clearly identified and its qualifications supported by documents.

19.2 A Specialist Subcontractor may participate in more than one Application, but only in that capacity.

19.3 The Employer may require Applicants to provide more information about their subcontracting arrangements. If any Specialist Subcontractor is found ineligible or unsuitable to carry out the subcontracted tasks, the Employer may request the Applicants to propose an acceptable substitute.

19.4 The Employer may also select in advance Nominated Subcontractor(s) to execute certain specific components of the Works and if so, those will be specified in the ADS.

19.5 The successful Applicants and thereafter the Tenderer(s) shall under no circumstances assign the Works or any part of it to the Subcontractor(s).

19.6 Each Specialist Subcontractor shall complete the Specialist Subcontractor Information (**Form PW5-4**) for submission with the Application.

20. Domestic Preference

20.1 If so specified in the ADS, a national Applicant including Joint Venture comprising only national partners if pre-qualified, shall qualify for a percentage margin of

e

'domestic preference' in the subsequent Tender provided the conditions set out in ITA Sub Clause 20.2 are fully met.

20.2 The requirements of a pre-qualified national Applicant to qualify for **'domestic preference'** in the subsequent Tender shall be :

(a) for an individual firm

- (i) it is registered within Bangladesh
- (ii) it has more than fifty (50) percent ownership by the nationals of Bangladesh
- (iii) it does not subcontract more than twenty (20) percent of the Tender price, excluding provisional sums, to foreign contractors
- (iv) it meets any other requirements specified in this document

(b) for a Joint Venture

- (i) it is registered in Bangladesh
- (ii) the individual partners are registered in Bangladesh and have more than fifty (50) percent ownership by the nationals of Bangladesh
- (iii) it does not sub-contract more than twenty (20) percent of the Tender price, excluding the provisional sums, to foreign contractors
- (iv) it meets any other requirements specified in this document.

20.3 The national Applicant and subsequently the Tenderer qualifying for **'domestic preference'**, as stated under ITA Sub Clause 20.2, shall receive a seven and half (7.5) percent margin of preference only in the evaluation of its subsequent Tender(s) while comparing the same with those of other Tenderers.

D. Application Preparation

21. Only One Application

21.1 Applicants shall submit only one (1) Application for each lot, either individually or as a JV. The Applicant who submits or participates in more than one (1) Application in one (1) lot will cause all the Applications of that particular Applicant to be considered disqualified.

22. Cost of Submitting Applications

22.1 Applicants shall bear all costs associated with the preparation and submission of its Application, and the Employer shall not be responsible or liable for those costs, regardless of the conduct or outcome of the Pre-qualification process.

23. Issuance and Sale of Pre-qualification

23.1 The Employer shall make Pre-qualification Documents available immediately to the Applicants, requesting to obtain and willing to purchase at the corresponding price by the date the advertisement has been published

n	in the newspaper.
Document	<p>23.2 Full contact details, with mailing address, telephone and facsimile numbers and electronic mail address, as applicable, of those to whom the Pre-qualification Documents have been issued shall be recorded with a reference number by the Employer or its agents.</p> <p>23.3 There shall not be any pre-conditions whatsoever, for sale or issuance of Pre-qualification Documents and, the sale or issuance of such Document shall be permitted up to the day prior to the day of deadline for the submission of Applications.</p> <p>23.4 Pre-qualification Document posted in the designated website may also be used by the Applicants for submission of Applications, if so permitted by the Employer and specified in the ADS.</p>
24. Language of Application	<p>24.1 The Application shall be written in the English language. Correspondences and documents relating to the Application may be written in English. Supporting documents and printed literature furnished by the Applicant that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in English, in which case, for purposes of interpretation of the Application, such translation shall govern.</p> <p>24.2 Applicants shall bear all costs of translation to the governing language and all risks of the accuracy of such translation.</p>
25. Contents of Application	<p>25.1 The Application prepared by the Applicants shall comprise the following:</p> <p>(a) Application Submission Letter (Form PQW5-1);</p> <p>(b) Applicant Information (Form PQW5-2);</p> <p>(c) documents demonstrating that they are enrolled in the relevant professional or trade organisations registered in their country of origin;</p> <p>(d) written confirmation authorizing the signatory of the Application to commit the Applicant;</p> <p>(e) documents confirming the legal capacity stating that there are no existing orders of any judicial court that prevents either the Applicant or employees of that Applicant subsequently entering into or signing a Contract with the Employer;</p> <p>(f) documents confirming that the Applicant is not insolvent, in receivership, bankrupt or in the process of bankruptcy, temporarily barred from undertaking business and shall not be the subject of legal proceedings for any of the foregoing;</p> <p>(g) documents confirming that all claims, arbitration or other litigation cases have been satisfactorily resolved, and if not, they shall have no serious negative impact on the financial capacity of the</p>

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Applicant;

(h) documents confirming that the Applicant has fulfilled its obligations to pay taxes and social security contributions under the provisions of laws and regulations of its country of origin as a proof of fulfilment of taxation obligations;

(i) documents establishing the Applicant's eligibility to perform the contract;

(j) documents establishing the origin of all Materials, Equipment and services to be supplied under the Contract, as stated under ITA Clause 26;

(k) documents establishing the minimum qualifications of the Applicant required to be met for due performance of the Works and physical services under the contract;

(l) any other document as specified in the ADS.

25.2 In addition to the requirements stated under ITA Sub Clause 25.1, Applications submitted by a JV or proposing a Specialised Subcontractor shall include:

(a) Joint Venture Agreement legally entered into in the Applicant's Leading Partner's country of origin, by all partners, as stated under ITA Sub Clause 18.2;
or

(b) Letter of Intent along with the proposed agreement duly signed by all partners of the intended JV and authenticated by an authority of the Applicant's Leading Partner's country of origin with the declaration that it will execute the Joint Venture Agreement in the event the Applicant and the Tenderer is successful in the subsequent Tender, as stated under ITA Sub Clause 18.3;

(c) the JV Partner Information (**Form PQW5-3**), as stated under ITA Sub Clause 18.11;

(d) the Specialist Subcontractor Information (**Form PQW5-4**), as stated under ITA Sub Clause 19.6.

26. Application Submission Letter

26.1 Applicants shall submit the Application Submission Letter (**Form PQW5-1**), which shall be completed without any alterations to its format, filling in all blank spaces with the information requested, failing which the Application may be considered disqualified as being incomplete.

27. Documents Establishing Eligibility of the Applicants

27.1 Applicants, if applying as a sole Applicant, shall submit documentary evidence to establish its eligibility as stated under ITA Clause 5 and, in particular, it shall:

(a) complete the eligibility declarations in the Application Submission Letter (**Form PQW5-1**);

(b) complete the Applicant Information (**Form PQW5-2**) providing photocopies of the original documents requested;

(f) complete the Specialist Subcontractor Information (**Form PQW5-4**), if it intends to engage any

Specialist Subcontractor(s);

(g) provide the documents establishing eligibility as stated under ITA Clause 20.1.

27.2 Applicants, if applying as a partner of an existing or intended JV shall submit documentary evidence to establish its eligibility as stated under ITA Clause 5 and, it shall:

- (a) provide for each JV partner, completed JV Partner Information (**Form PQW5-3**);
- (b) provide the JV agreement executed on a non-judicial stamp of value or equivalent as stated under ITA Sub Clause 18.2, or Letter of Intent along with the proposed agreement of the intended JV as stated under ITA Sub Clause 18.3.

28. Documents Establishing the Applicant's Qualification

28.1 Applicants shall complete and submit the Applicant Information (**Form PQW5-2**) and shall include documentary evidence, as applicable to satisfy the following:

- (a) details on the financial standing of the Tenderer, such as profit and loss statements and corresponding auditor's report establishing the liabilities and assets, as stated under ITA Sub Clause 13.2;
- (b) details of general experience in construction works on case-by-case procurement proceedings performed for each of the last years along with the sums, dates and recipients, as stated under ITA Sub Clause 14.1(a);
- (c)
- (d) details of specific experience in construction works of similar nature and size on case-by-case procurement proceedings performed for each of the last years along with the sums, dates and recipients, as stated under ITA Sub Clauses 14.1(b) and (c);
- (e) details of average annual **construction** turnover for a period as stated under ITA Sub Clause 15.1(a);
- (f) details of existing commitments and works to assess the minimum Tender Capacity as stated under ITA Sub Clause 15.1(b);
- (g) details of adequacy of working capital for the subsequent Tender i.e. access to line(s) of credit and availability of other financial resources as stated under ITA Sub Clause 15.1(c);
- (h) details of numbers of technical and administrative personnel along with their qualification and experience proposed for the subsequent Tender as stated under ITA Clause 16;
- (i) details of Applicant's technical facilities, available major construction equipments, measures for ensuring quality such as, ISO certification and design, research and development facilities proposed to carry out the Contract as stated under ITA Clause 17;
- (j) details of Procuring Entities who may be contacted, if necessary, by the Employer; and
- (i) authority to seek references from the Applicant's bankers or any other sources.

28.2 Applicants, if applying as an existing or intended JV, shall submit documentary evidence to establish its qualifications as stated under ITT Clauses 12,13,14,15,16 &17 and, in particular, in addition to that as stated under ITT Sub Clause 28.1, it shall submit an affidavit nominating one of the JV partners as the REPRESENTATIVE (partner-in-charge) who shall have the authority to conduct all business for and on behalf of any and all the partners of the JV during the tendering process and, in the event the JV is awarded the Contract, during contract execution including the receipt of payments for and on behalf of the JV.

28.3 If '**domestic preference**' applies as stated under ITA Sub Clause 20.1, the national Applicants, individually or in Joint Ventures, applying for eligibility for '**domestic preference**' shall provide all information required to satisfy the criteria for eligibility as stated under ITA Sub Clause 20.2.

29. Format and Signing of Application

29.1 The Applicant shall prepare one (1) original of the documents comprising the Application as described in ITA Clause 21 and clearly mark it "ORIGINAL." In addition, the Applicant shall prepare the number of copies of the Application, as specified in the ADS and clearly mark each of them "COPY." In the event of any discrepancy between the original and the copies, the ORIGINAL shall prevail.

29.2 The original and each copy of the Application shall be typed or written in indelible ink and shall be signed by the Person duly authorized to sign on behalf of the Applicant. This authorization shall consist of a written authorization and shall be attached to the Application Submission Letter (**Form PQW5-1**). The name and position held by each Person(s) signing the authorization must be typed or printed below the signature. All pages of the original and of each copy of the Application, except for un-amended printed literature, shall be numbered sequentially and signed or initialled by the person signing the Application.

29.3 In case of JV, the application of the provisions as stated under ITA Sub Clause 29.2 shall extend up to each partner of that existing or intended JV.

29.4 Any interlineations, erasures, or overwriting will be valid only if they are signed or initialled by the Person(s) signing the Application.

29.5 Person(s) signing the Application shall describe his or her name, address, position along with his or her national Identification Number, if any.

E. Application Submission

30. Sealing, 30.1 The Applicant shall enclose the original in one (1)

Marking and Submission of Application

envelope and all the copies of the Application in another envelope, duly marking the envelopes as "ORIGINAL" and "COPY." These sealed envelopes will then be enclosed and sealed in one (1) single outer envelope.

30.2 The inner and outer envelopes shall:

- (a) be addressed to the Employer at the address as stated under ITA Sub Clause 31.1;
- (b) bear the name of the Application and the Tender Package Number clearly marked "Application to Prequalify for *[name of the subsequent Tender and the Application Reference and Lot Number(s)]*" as stated under ITA Sub Clause 1.1;
- (c) bear the name and address of the Applicant;
- (d) bear a statement "DO NOT OPEN BEFORE _____", the time and date for Application opening as stated under ITA Sub Clause 33.2;
- (e) bear any additional identification marks as specified in the ADS.

30.3 The Applicant is solely and entirely responsible for pre-disclosure of Application information if the envelope(s) are not properly sealed and marked.

30.4 Applications shall be delivered by hand or by mail, including courier services at the address(s), as stated under ITA Sub Clause 31.1.

30.5 Applications shall be submitted on the basis of this Pre-qualification Document issued by the Employer.

30.6 Applications shall be received by the Employer and kept in safe custody until opening of the same by the Tender Opening Committee.

30.7 The Employer will, on request, provide the Applicant with acknowledgement of receipt showing the date and time when its Application was received.

31. Deadline for Submission of Application

31.1 Applications shall be delivered to the Employer at the address specified in the ADS and no later than the date and time specified in the ADS.

31.2 The Employer may at its discretion on justifiably acceptable grounds duly recorded, extend the deadline for submission of Applications as stated under ITA Sub Clause 31.1, in which case all rights and obligations of the Employer and Applicants previously subject to the deadline will thereafter be subject to the new deadline as extended.

32. Late Application 32.1 Any Application received by the Employer after the deadline for submission of Applications as stated under ITA Sub Clause 31.1 shall be declared LATE, excluded, and returned unopened to the Applicant.

F. Application Opening and Evaluation

33. Application Opening 33.1 Applications shall be opened by the Tender Opening Committee (TOC).

33.2 Applications shall be opened immediately after the deadline for submission of Applications at the time and place as specified in the ADS.

33.3 After opening the envelopes, details of each Application will be recorded as follows:

- (i) the name and address of the Applicants;
- (ii) such other details as the TOC, at its discretion, may consider appropriate.

33.4 Upon completion of Application opening, all members of the TOC attending the Application opening shall sign by name, address, designation and their national Identification Numbers (if any), the Application Opening Sheet, copies of which shall be issued to the Head of the Procuring Entity or an officer authorised by him or her and also to the members of the TOC and any authorised Consultants immediately, including the Applicant requesting for.

33.4 No Application will be considered disqualified at the Application opening stage except the LATE Application.

34. Application Evaluation 34.1 Applications shall be examined and evaluated only on the basis of the conditions, criteria and requirements defined in the Pre-qualification Document.

34.2 The Employer's **Tender Evaluation Committee (TEC)** shall examine, evaluate and qualify the Applications that are responsive to the mandatory requirements of Pre-qualification Documents in order to identify the successful Applicants, on '**pass or fail**' basis.

34.3 The Head of the Procuring Entity may form a Technical Sub-Committee (TSC) of experienced persons to assist the TEC in the examination and evaluation.

35. Evaluation Process 35.1 The TEC may consider an Application as qualified in the Evaluation, only if it is submitted in compliance with the mandatory requirements set out in the Pre-qualification Document. The evaluation process should begin

immediately after application opening following **two** broad steps:

- (a) Preliminary examination
- (b) Technical examination and responsiveness

36. Preliminary Examination

36.1 Firstly, compliance, adequacy and authenticity of the documentary evidences for meeting the eligibility and qualification criterion specified in the corresponding Sections of the Pre-qualification Document shall be preliminarily examined.

36.2 Examination of the compliance, adequacy and authenticity of the documentary evidence may follow the order below:

- (a) verification of the completeness of the eligibility declarations in the Application Submission Letter (**Form PQW5-1**) as furnished in **Section 3: Application Forms**;
- (b) verification of the completeness of the Applicant Information (**Form PQW5-2**) as furnished in **Section 3: Application Forms**;
- (c) verification of the completeness of the JV Partner Information (**Form PQW5-3**) as furnished in **Section 3: Application Forms**;
- (d) verification of the completeness of the Specialist Subcontractor Information (**Form PQW5-4**) as furnished in **Section 3: Application Forms**;
- (e) verification of that the Applicant's country of origin is not ineligible;
- (f) verification of that the Applicant is enrolled in the relevant professional or trade organisations registered in its country of origin;
- (g) verification of that the written authorisation confirming the signatory of the Applicant to commit the Application and the subsequent Tender has been attached with the Application Submission Letter (**Form PQW5-1**) as stated under ITA Sub Clause 29.2; in order to check the authenticity of the Application and the Applicant itself;
- (h) verification of the eligibility in terms of legal capacity and fulfilment of taxation obligations by the Applicant;
- (i) verification of that all the documents required, as stated under ITA Clause 28 for an Application, has been provided and requirements met by an Applicant;
- (j) verification of that all the documents required, as stated under ITA Clause 18 and ITA Clause 27.2 for a Joint Venture Application, has been provided and

requirements met, if it is a **joint venture** Application;

- (k) verification of that the Applicant is not insolvent, in receivership, bankrupt, in the process of bankruptcy or temporarily barred;
- (l) verification of the status of claims, arbitration and other litigation cases of the Applicant as stated under ITA Clause 5 and ITT Clause 13;

37. Technical Examination and Responsiveness

- 37.1 Secondly, the TEC will evaluate the technical aspects of the Application submitted as stated under ITA Clauses 27 and 28, to confirm that all mandatory requirements have been met which may follow the order below.
- 37.2 The TEC's determination of an Applicant's responsiveness is to be based on the documentary evidence as stated under ITA Clause 25 without recourse to extrinsic evidence.
- 37.3 Information contained in an Application submission that was not requested in the Pre-qualification Document shall not be considered in evaluation of the Application.
- 37.4 An Application shall be considered responsive in the evaluation, only when it is submitted in compliance with the mandatory requirements set out in the Pre-qualification Document without material deviation or reservation.
- 37.5 If, after the examination of the conditions and the mandatory requirements of the Application, the TEC determines that the Application is not responsive in accordance with ITA Clause 25, it shall consider the Application disqualified.
- 37.6 If an Application is considered disqualified by the TEC, it will not subsequently be made qualified by correction of the material deviation or reservation.

38. Clarification on Application

- 38.1 The TEC may ask the Applicants for clarification on their Applications about specific matters, in order to facilitate the examination and evaluation of Applications. The request for clarification by the TEC and the response from the Applicants shall be in writing, and Application clarifications which may lead to a change in the substance of the Application or in any of the key elements of the Application will neither be sought nor be permitted.
- 38.2 Any request for clarifications by the TEC shall not be directed towards making an apparently disqualified Application qualified and reciprocally the response from the concerned Applicant shall not be articulated towards any addition, alteration or modification to its

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39. Restrictions on Disclosure of Information Relating to Pre-qualification Process

- 38.3 If an Applicant does not provide clarifications of its Application by the date and time set in the TEC's written request for clarification, its Application shall not be considered in the examination and evaluation.
- 38.4 Requests for clarifications on Applications shall be duly signed only by the TEC Chairperson.
- 39.1 Following the opening of Applications until issuance of Notification of Pre-qualification no Applicant shall, unless requested to provide clarification on its Application or unless necessary for submission of a complaint, communicate with the concerned Employer.
- 39.2 Applicants shall not seek to influence in anyway, the examination and evaluation of the Applications.
- 39.3 Any effort by an Applicant to influence the Employer in its decision concerning the examination and evaluation of Applications may result in the consideration its Application as disqualified as well as further action in accordance with Section 64 (5) of the Public Procurement Act, 2006.
- 39.4 All clarification requests shall remind the Applicants of the need for confidentiality and that any breach of confidentiality on the part of the Applicant may result in their Application being disqualified.

40. Rejection of All Applications

- 40.1 The Employer may, in the circumstances when evidence of professional misconduct affecting seriously the Procurement process has been established, reject all Applications following recommendations from the TEC only after the approval of such recommendations by the Head of the Procuring Entity.
- 40.2 The Employer, on justifiable grounds, may annul the Procurement proceedings with prior approval of the Head of the Procuring Entity, any time prior to the deadline for submission of subsequent Tenders following specified procedures.
- 40.3 All Applications received by the Employer shall be returned unopened, where applicable, to the Applicants in the event Procurement proceedings are annulled under ITT Sub Clause 40.2.

41. Informing Reasons for Rejection

- 41.1 Notice of the rejection will be given promptly within seven (7) days of decision taken by the Employer to all Applicants and, the Employer will, upon receipt of a written request, communicate to any Applicant the reason(s) for its rejection but is not required to justify

those reason(s).

G. Pre-qualification

42. Pre-qualification of Applicants	42.1 All Applicants who's Applications have met or ' passed ' the minimum specified requirements will, to the exclusion of all others, be pre-qualified by the Employer.
43. Conditional Pre-qualification of Applicants	42.2 There shall be no upper limit of Pre-qualified Applicants. 43.1 The number of pre-qualified Applicants while is below minimum three (3), " conditional Pre-Qualification " may be permitted by the Employer, which shall mean that the Applicant substantially meets the qualification criteria apart from some minor deficiencies. 43.2 The " conditionally pre-qualified " Applicants must rectify such minor deficiencies identified by the TEC prior to submission of its subsequent Tenders.
44. Notification of Pre-qualification	44.1 The Employer, upon completion of the examination and evaluation of the Applications with approval of the Head of the Procuring Entity, shall notify all Applicants in writing, of the names of those Applicants who have been pre-qualified.
45. Debriefing of Applicants	45.1 The Employer shall, upon receipt of a request from an unsuccessful Applicant, notify that Applicant in writing of the grounds for its exclusion, but the Employer is not bound to provide any further information or explanation of those grounds. 45.2 In the case of debriefing, confidentiality of the examination and evaluation process shall be maintained.
46. Right to Complain	46.1 Any Applicant has the right to complain if it has suffered or likely to suffer loss or damage due to a failure of a duty imposed on the Employer to fulfil its obligations in accordance with Section 29 of the Public Procurement Act 2006 and Part 12 of Chapter Three of the Public Procurement Rules, 2008. 46.2 Circumstances in which a formal complaint may be lodged in sequence by an Applicant against a Employer pursuant to Rule 56 of the Public Procurement Rules, 2008, and the complaints, if any, be also processed pursuant to Rule 57 of the Public

46.3 The Applicant shall submit his or her complaint in writing within seven (7) calendar days of becoming aware of the circumstances giving rise to the complaint.

46.4 In the first instance, the Applicant shall submit his or her complaint to the Employer who issued the Pre-qualification Document.

46.5 The place and address for the first stage in the submission of complaints to the administrative authority is provided in the ADS.

46.6 An Applicant may appeal to a Review Panel only when that Applicant has exhausted all his or her options of complaints to the administrative authority as stated under ITA Sub Clause 46.2.

47. Invitation for Tenders

47.1 Promptly after the Notification of Pre-qualification, the Employer shall invite subsequent Tenders from only the Applicants that have been pre-qualified as stated under ITA Sub Clause 44.1.

48. Changes in Qualifications of Applicants

48.1 Any change in the structure or formation, after an Applicant being pre-qualified and invited to tender, shall not be permitted to submit Tender without the written approval of the Head of Procuring Entity prior to the deadline for submission of Tenders.

48.2 Such approval shall be denied if as a consequence of the change the Applicant no longer substantially meets the qualification criteria set forth in the Pre-qualification Document or if in the opinion of the Head of the Procuring entity, a substantial reduction in competition may result.

48.3 Any such changes, as stated under ITA 48.1, shall be submitted to the Employer not later than fourteen (14) days after the date of Invitation for Tenders.

49. Post-qualification

49.1 Post-qualification of the successful Tenderer(s) will be done prior to consequent Award of Contract even if this Pre-qualification has been carried out.

Section 2. Application Data Sheet

Instructions for completing Application Data Sheet are provided in *italics* in parenthesis for the relevant ITA clauses

ITA Clause	Amendments of, and Supplements to, Clauses in the Instructions to Applicants
	IFP IDENTIFICATION NO: _____

A. General

ITA 1.1	<p>The Employer is <i>[state name of Employer]</i> represented by <i>[state name of representative]</i></p> <p>The Name of the Subsequent Tender is: Brief Description of the Works: Application Ref: Lot No(s): <i>[if there is more than one(1) lot, individual lots are to be identified]</i></p>
ITA 3.1	<p>The source of public funds is <i>[state source, GoB or other source of funds].</i></p>
ITA 3.3	<p>The name of the Development Partner is <i>[state name of Development Partner]</i></p>
ITA 5.1	<p>Applicants from the following countries are not eligible <i>[state countries, if any]</i></p>
ITA 6.1	<p>Materials, Equipments and associated services from the following countries are not eligible: <i>[state countries, if any]</i></p>

B. Pre-qualification Document

ITA 8.2	<p>The following are authorised agents of the Employer for the purpose of issuing the Pre-qualification Document:</p> <p><u>Agent's Name:</u> Address: Telephone No.: Fax No.: e-mail address: <i>[if not applicable, please specify "None". If there is more than one (1) Agent, then list all Agent's names and contact details]</i></p>
ITA 9.1	<p>For clarification of Pre-qualification Document purposes only, the Employer's address is: Attention:</p>

	<p>Address: Telephone: Fax No.: e-mail address:</p>
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ITA 10.1	A pre-Pre-qualification meeting shall not be held or A pre- Pre-qualification meeting shall be held at Address: Time & Date: <i>[delete whichever is not applicable]</i>
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C. Qualification Criteria

ITA 13.1	Non-performance of a contract shall not occur within the last [insert number] years. <i>[a minimum of three (3) years would be deemed reasonable; years counting backward from the date of publication of IFP]</i>														
ITA 13.2	All pending litigation shall in total not represent more than [insert number] percent of the Applicant's networth. <i>[a percentage between 10 and 15 is recommended]</i>														
ITA 13.3	The minimum requirements of Leading Partner and other Partner(s) of a JV shall be as follows :														
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">ADS Clauses References</th> <th style="text-align: center;">Requirements by summation</th> <th style="text-align: center;">Requirements for Leading Partner</th> <th style="text-align: center;">Requirements for other Partner(s)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">ITA-12.7</td> <td style="text-align: center;">Summation not applicable</td> <td style="text-align: center;">Same as stated in ADS</td> <td style="text-align: center;">Same as for Leading Partner</td> </tr> <tr> <td style="text-align: center;">ITA-12.8</td> <td style="text-align: center;">Summation not applicable</td> <td style="text-align: center;">Same as stated in ADS</td> <td style="text-align: center;">Same as for Leading Partner</td> </tr> </tbody> </table>			ADS Clauses References	Requirements by summation	Requirements for Leading Partner	Requirements for other Partner(s)	ITA-12.7	Summation not applicable	Same as stated in ADS	Same as for Leading Partner	ITA-12.8	Summation not applicable	Same as stated in ADS	Same as for Leading Partner
ADS Clauses References	Requirements by summation	Requirements for Leading Partner	Requirements for other Partner(s)												
ITA-12.7	Summation not applicable	Same as stated in ADS	Same as for Leading Partner												
ITA-12.8	Summation not applicable	Same as stated in ADS	Same as for Leading Partner												
ITA 14.1(a)	The minimum number of years of general experience of the Applicant in public construction works as Prime Contractor or Subcontractor or Management Contractor shall be [state number] years. <i>[a minimum of three (3) years would be deemed reasonable; years counting backward from the date of publication of IFP]</i>														
ITA 14.1(b)	The minimum specific experience as a Prime Contractor or Subcontractor or Management Contractor in construction works of at least [state number] contract(s) of similar nature, complexity and methods/construction technology completed over a period of [state number] years shall be required. [Employer is required to specify here the nature, physical size, complexity, methods/construction technology or other characteristics satisfying the requirements for similarity within the scope of the proposed Works] <i>[the minimum number of contracts will depend upon the size and type of construction work, and the Employer should make its own judgement based upon its experience in the sector and construction industry. For large works, it could be one (1) contract of similar nature during the last (minimum) three (3) years; years counting backward from the date of publication of IFP.]</i> [for Tenders where the package contains more than one (1) lot, this qualification requirements, only when applicable, shall be mentioned separately for each lot in the package]														
ITA	A satisfactory completion of similar works of at least BDT [insert amount] i.e.														

14.1(c)	<p><u>USD/GBP/EUR/JPY</u> delete not appropriate [insert amount] equivalent under [state number] of contract(s) over a period of [state number] years shall be required.</p> <p><i>[the minimum value of the similar works under a single or multiple number of contract(s) is recommended to be between 60 and 75 percent of the estimated cost , rounded off to nearest BDT thousand, of the proposed work during the last (minimum) three (3) years; years counting backward from the date of publication of IFP.]</i></p> <p><i>[for Tenders where the package contains more than one (1) lot, this qualification requirements, only when applicable, shall be mentioned separately for each lot in the package]</i></p>
ITA 15.1	<p>The required average annual construction turnover shall be greater than BDT <u>USD/GBP/EUR/JPY</u> [insert amount] i.e. delete not appropriate [insert amount] equivalent over the last [state number] years.</p> <p><i>[the required average annual construction turn over is recommended to be about twice the estimated annual cash flow for the Contract; however the multiplier may vary from 1.0 to 2.0, the larger the Contract size the lesser the multiplier should be. The period may be about five (5) years minimum; years counting backward from the date of publication of IFP.]</i></p> <p>Example:</p> <p><i>Estimated Contract Value: BDT 24 million</i></p> <p><i>Contract period: 18 months</i></p> <p><i>Estimated Annual Cash Flow: BDT 16 million</i></p> <p><i>Required average annual construction turnover: Tk 32 million, using a multiplier of 2.</i></p> <p>[for Tenders where the package contains more than one (1) lot, this qualification requirements shall be mentioned separately for each lot in the package]</p>
ITA 15.1(b)	<p>The minimum Tender Capacity shall be: BDT [insert amount] i.e. <u>USD/GBP/EUR/JPY</u> delete not appropriate [insert amount] equivalent.</p> <p>[the required Tender Capacity is recommended to be between 70 and 80 percent of the estimated cost , rounded off to nearest BDT thousand, of the proposed work]</p> <p><i>[the following formulae may be used to assess the Tender Capacity:</i></p> <p><i>Assessed Tender Capacity = (A x N x 1.5 - B)</i></p> <p><i>where;</i></p> <p><i>A = maximum value of works performed in any one year during the last five(5) years; years counting backward from the date of publication of IFP</i></p> <p><i>N = Completion time of the proposed work in years; its value being taken never as less than one (1)</i></p> <p><i>B = Value of existing commitments and works to be completed during the next N years.</i></p> <p>[for Tenders where the package contains more than one (1) lot, this qualification requirements shall be mentioned separately for each lot in the package]</p>
ITA 15.1(c)	<p>The minimum amount of liquid assets or working capital or credit facilities of <u>USD/GBP/EUR/JPY</u> the Applicant shall be BDT [insert amount] i.e. delete not appropriate [insert amount] equivalent.</p> <p><i>[usually the required liquid asset is the equivalent of 2-6 months payment flow at the average construction rate (straight line distribution), accessible or available after taking into account the financial requirements of existing commitments. The actual period will depend</i></p>

on the speed with which the Employer will pay the Contractor's monthly certificate, allowing time to prepare an invoice, for the Project Manager's time to certify it, and at least one month contingency for preparing the cheque and making actual payment.

Example:

Contract Value:	BDT 24 million
Contract period:	18 months
Assuming work time:	1 month
Invoice period:	0.5 month
Certification Time:	0.5 month
Contingency Time:	1 month

Therefore, the minimum required liquid asset will be BDT 4 million, i.e. 3 months cash flow based on the above assumptions.]

[for Tenders where the package contains more than one (1) lot, this qualification requirements shall be mentioned separately for each lot in the package]

ITA 16.1(a)	A Construction Project Manager shall have the following qualifications and experience:			
	No	Position	Total Works Experience (years)	In Similar Works Experience (years)

[qualification of an alternative Construction Project Manager may also be requested]

[for Tenders where the package contains more than one (1) lot, this qualification requirement may be necessary for each lot in the package, subject to the nature of the control required over each package]

ITA 16.1(b)	The minimum number of Engineers with qualifications and experience shall be as follows <i>[state requirements]</i> :			
	No	Position	Total Works Experience (years)	In Similar Works Experience (years)

[for Tenders where the package contains more than one (1) lot, this qualification requirement may be necessary for each lot in the package, subject to the nature of the control required over each package]

ITA 16.1(c)	Other key staff with qualifications and experience shall be as follows <i>[state requirements]</i> :			
	No	Position	Total Works Experience (years)	In Similar Works Experience (years)

[for Tenders where the package contains more than one (1) lot, this qualification requirement may be necessary for each lot in the package, subject to the nature of the control required over each package]

ITA 17.1	The Applicant shall own or have proven access to hire or lease of the major construction equipments, in full working order as follows :			
	No	Equipment Type and Characteristics	Minimum Number	

			Required
<p>[for Tenders where the package contains more than one (1) lot, this qualification requirement may be necessary for each lot in the package, subject to the nature of the control required over each package]</p>			

ITA 18.2	In the case the Applicant's Leading Partner's country of origin is Bangladesh, the value of non-judicial stamp for execution of the Joint Venture agreement shall be BDT [insert amount] [usually the value of the non-judicial stamp shall be BDT300.00]			
ITA 18.3	In the case the Applicant's Leading Partner's country of origin is Bangladesh, the Letter of Intent along with the proposed agreement shall be authenticated by a Notary Public.			
ITA 18.5	The minimum qualification requirements of Leading Partner and other Partner(s) of a JV shall be as follows :			
ADS Clauses References	Requirements by summation	Requirements for Leading Partner	Requirements for other Partner(s)	
ITA-14.1(a)	Summation not applicable	Same as stated in ADS	Same as for Leading Partner	
ITA-14.1(b)	100%	At least one characteristic	Not applicable	
ITA-14.1(c)	100%	At least one characteristic	Not applicable	
ITA-15.1(a)	100%	40%	25%	
ITA-15.1(b)	100%	40%	25%	
ITA-15.1(c)	100%	40%	25%	
ITA-16.1(a)	Summation not applicable	100%	Not applicable	
ITA-16.1(b)	100%	At least one characteristic	Not applicable	
ITA-16.1(c)	100%	At least one characteristic	Not applicable	
ITA-17.1	100%	At least one characteristics	Not applicable	
<i>[it is suggested that the Employer adheres to the above proportion of minimum qualifying requirements to meet the specific procurement needs. Percent share of business of the JV partners shall not be taken into account in determining the qualification of a JV]</i>				
ITA 19.4	The Employer intends to execute the following specific components of the proposed Works by the Nominated Subcontractor(s) : [state the components of the proposed works ; if not applicable state 'none']			
ITA 20.1	Domestic Preference [shall/shall not] be applicable for eligible national Tenderers [delete as appropriate] <i>[Domestic Preference shall not be mandatory and again any relaxation will require recommendation of the CCEA]</i>			
D. Application Preparation				
ITA 23.4	Use of Pre-qualification Document posted in the website [is/isn't] permitted for preparation of Applications. [delete as appropriate]			
ITA	The Applicant shall provide with its Application the following additional			

25.1(l)	documents: <i>[in case of purchase of capital equipment by the Contractor as part of the overall Contract, a Performance Statement of the capital equipment in Bangladesh may be necessary and may be requested. if no other documents are required then specify "none"]</i>
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**ITA
29.1**

In addition to the original of the Application, *[state number]* copies shall be submitted.
[usually only two copies are needed, ask for more only if they are essential]

E. Application Submission

ITA 30.2(e)	The inner and outer envelopes shall bear the following additional identification marks: <i>[indicate any markings that are required on inner and outer envelopes]</i>
------------------------	--

**ITA
31.1**

For **Application submission purposes** only, the Employer's address is:
Attention:
Address:
The deadline for the submission of Applications is:
Time & Date:

F. Application Opening and Evaluation

**ITA
33.2**

The Application opening shall take place at:
Address:
Time & Date:

G. Pre-qualification

ITA 46.5

The name and address of the office where complaints to the Employer under Rule 57 of The Public Procurement Rules,2008 are to be submitted is:
Name:
Address:
Fax No.:
e-mail address:

Section 3. Application Forms

Preliminary Working Draft

Form Title
Application Forms

PQW5 - 1 Application Submission Letter

PQW5 - 2 Applicant Information

PQW5 - 3 JV Partner Information (*if applicable*)

PQW5 - 4 Subcontractor Information (*if applicable*)

PQW5 - 5 Historical Contract Non-Performance

PQW5 - 6 Personnel Information

Note: Forms **PQW5 -1** to **PQW5 -6** comprises part of the Application Format and should be completed as stated in ITT Clause **29.1**.

Application Submission Letter (Form PQW5-1)

[This letter should be completed and signed by the Authorised Signatory preferably on the Letter-Head Pad of the Applicant]

To:

Date: [dd/mm/yy]

[Contact Person]

[Name of Employer]

[Address of Employer]

Invitation for Pre-qualification No:

[indicate IFP No]

Tender Package No:

[indicate Package No]

This Package is divided into the following Number of Lots

[indicate number of Lot(s)]

We, the undersigned, apply to be pre-qualified for the referenced Works and Physical Services and declare that:

- (a) we have examined and have no reservations to the Pre-Qualification Document, issued by you on *[insert date]*; including *[state numbers]* Addendum issued in accordance with ITA Clause 11.
[Insert the number and issuing date of each addendum; or delete this sentence if no Addendum has been issued];
- (b) we, including as applicable, any JVCA partner or Specialist Subcontractor for any part of the contract resulting from this pre-qualification process, have nationalities from eligible countries, in accordance with ITA Clause 5

[insert the nationality of the Applicant, including that of all partners in case of a Joint Venture, and the nationality of each already identified subcontractor, if applicable];

- (c) we are submitting this Application as a sole Applicant in accordance with ITA Sub Clause 27.1;
or
we are submitting this Application as the partners of a JVCA, comprising the following other partners in accordance with ITA Sub Clause 27.2;

Sl. No	Name of Partner	Address of Partner
1		
2		
3		

- (d) we are not a Government owned entity as defined in ITA Clause 5.
or
we are a Government owned entity, and we meet the requirements of ITA Clause 5.
- (e) we, including as applicable any JVCA partner, declare that we are not associated, nor have been associated in the past, directly or indirectly, with a consultant or any other entity that has prepared the design, specifications and other documents in accordance with ITA Clause 5;

(f) we intend to subcontract an activity or part of the Works, in accordance with ITA Clause 19, to the following Specialist Subcontractor(s);

Activity or part of the Works	Name of Specialist Subcontractor with Address

(g) we, including as applicable any JVCA partner, confirm that we do not have a record of poor performance, such as abandoning the works, not properly completing contracts, inordinate delays, or financial failure as stated in ITA Clause 5, and that we do not have, or have had, any litigation against us, other than that stated in the Applicant Information (Form PQW5-2);

(h) we, including as applicable any JVCA partner, confirm that we do not have a record of insolvency, receivership, bankrupt or being wound up, our business activities were not been suspended, and it was not been the subject of legal proceedings in accordance with ITA Clause 5;

(i) we, including as applicable any JVCA partner, confirm that we have fulfilled our obligations to pay taxes and social security contributions applicable under the relevant national laws and regulations of our country(s) of origin in accordance with ITA Clause 5;

(j) we, including as applicable any JVCA partner or Specialist Subcontractor for any part of the contract resulting from this pre-qualification process, have not been declared ineligible by any International Development Agency or the Government of Bangladesh on charges of engaging in corrupt, fraudulent, collusive or coercive practices in accordance with ITA Clause 5; or by an act of compliance with a decision of the United Nations Security Council.

(k) furthermore, we are aware of ITA Clause 4 concerning such practices and pledge not to indulge in such practices in competing for or in executing the Contract;

(l) we are not participating as Applicants in more than one Application in this pre-qualification process;

(m) we understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the pre-qualified Applicants to tender for the contract subject of this prequalification, without incurring any liability to the Applicants.

Signature:

[insert signature of authorised signatory of the Applicant]

Name:

[insert full name of signatory with National ID Number]

In the capacity of:

[insert capacity of signatory]

Duly authorised to sign the Application for and on behalf of the Applicant

[If there is more than one (1) signatory, or in the case of a JVCA, add other boxes and sign accordingly]

Attachment 1:

[ITA Sub Clause 27.1 and 27.2]

Written confirmation authorising the above signatory(ies) to commit the Applicant and the subsequent Tenderer
 [and, if applicable]

Attachment 2:

[ITA Sub Clause 18.2 & 18.3]

JV Agreement / Letter of Intent to form JV with draft proposed Agreement

Applicant Information (Form PQW5-2)

[This Form should be completed only by the Applicant, preferably on its Letter-Head Pad]

Invitation for Pre-qualification No:	<i>[indicate IFP No]</i>
Tender Package No:	<i>[indicate Package No]</i>
This Package is divided into the following Number of Lots:	<i>[indicate number of Lot(s)]</i>

1. Eligibility Information of the Applicant [ITT Clauses 5 & 25]	
1.1	Nationality of individual or country of registration
1.2	Applicant's legal title
1.3	Applicant's registered address
1.4	Applicant's legal status <i>[complete the relevant box]</i>
	Proprietorship
	Partnership
	Limited Liability Concern
	Government-owned Enterprise
	Others <i>[please describe, if applicable]</i>
1.5	Applicant's year of registration
1.6	Applicant's authorised representative details
	Name

	National ID number, if any			
	Address			
	Telephone / Fax numbers			
	e-mail address			
1.7	Litigation [ITT Cause 13]			
	Information on non-performance of contract and pending litigation furnished in PQW5-5			
1.8	Applicant to attach photocopies of the original documents mentioned aside	[All documents required under ITT Clauses 5 and 25]		
The following two information are applicable for national Applicants				
1.9	Applicant's Value Added Tax Registration (VAT) Number			
1.10	Applicant's Tax Identification Number(TIN)			
[The foreign Applicants, in accordance with ITT Clause 5, shall provide evidence by a written declaration to that effect to demonstrate that it meets the criterion]				
2. Qualification Information of the Applicant [ITT Clause 12]				
2.1	General Experience in Construction Works of Applicant			
	Start Month Year	End Month Year	Year s	Contract No and Name of Contract Name and Address of Employer Brief description of Works
2.2	Specific Experience in Construction Works of Applicant Completed Contracts of similar nature, complexity and methods/construction technology			
Contract No		[insert reference no] of [insert year]		
Name of Contract		[insert name]		
Role in Contract [tick relevant box].		Prime Contractor	Subcontractor	Management Contractor
Award date Completion date Total Contract Value		[insert date] [insert date] [insert amount]		
Employer's Name Address Tel / Fax				

	<p><u>e-mail</u></p> <p>Brief description with justifications of the similarity compared to this Employer's requirements</p>	[state justification in support of its similarity compared to the proposed works]					
2.3	<p>Average annual construction turnover [ITT Sub Clause 12.3]</p> <p><i>[total certified payments received for contracts in progress or completed for each year of works in progress or completed; using selling exchange rate quoted by the source being Bangladesh Bank on the date reported, if applicable]</i></p>						
	Year	Amount & Currency	USD/GBP/EUR/JPY delete not appropriate	Equivalent			
2.4	<p>Existing commitments and works</p> <p>[targeted to be completed by the Intended Completion Date of the proposed works; ITT Sub Clause 12.3]</p>						
	<p>Name of Contract Contract No [reference] of [year] Name of Employer Contact Address Tel/fax e-mail</p>	<p>Target Completion Date</p>	<p>Value of Existing Commitments and Works</p> <p>Amount & Currency</p> <p>USD/GBP/EUR/JPY delete not appropriate</p>	Equivalent			
2.5	<p>Financial Resources available to meet the construction cash flow [ITT Sub Clause 12.3]</p>						
	<p>No</p> <p>Source of Financing</p>	<p>Amount Available</p> <p>Amount & Currency</p> <p>USD/GBP/EUR/JPY delete not appropriate</p>		Equivalent			
	<p>In order to confirm the above statements the Applicant shall submit, as applicable, the documents mentioned in ITT Clause 28.</p>						
2.6	<p>Contact Details [ITT Clause 28]</p>						
	<p>Name, address, and other contact details of Applicant's Bankers and other Employer(s) that may provide references, if contacted by this Employer</p>						
2.7	<p>Qualifications and experience of key technical and administrative personnel proposed for Contract administration and management [ITT Clause 28]</p>						

	Position Name Years of General Experience	Years of Specific Experience
<p><i>[Tenderer to complete details of as many personnel as are applicable. Each personnel listed above should complete the Personnel Information (Form PQW5-6)]</i></p>		
2.8	Major Construction Equipments proposed to carry out the Contract [ITT Clause 28]	
	Item of Equipment	Condition (new, good, average, poor)
		Owned, leased or to be purchased (state owner, lessor or seller)
<p><i>[Applicant to list details of each item of major construction equipment, as applicable]</i></p>		

JVCA Partner Information (Form PQW5-3)

[This Form should be completed by each JVCA partner].

Invitation for Pre-qualification No: *[indicate IFP No]*
 Tender Package No *[indicate Package No]*
 This Package is divided into the following Number of Lots *[indicate number of Lot(s)]*

1. Eligibility Information of the JVCA Partner [ITT Clauses 5 & 25]	
1.1	Nationality of Individual or country of Registration
1.2	JVCA Partner's legal title
1.3	JVCA Partner's registered address
1.4	JVCA Partner's legal status <i>[complete the relevant box]</i>
	Proprietorship
	Partnership
	Limited Liability Concern

Government-owned Enterprise					
Other (please describe, if applicable)					
1.5	JVCA Partner's year of registration				
1.6	JVCA Partner's authorised representative details				
	Name				
	National ID number, if any				
	Address				
	Telephone / Fax numbers				
	e-mail address				
1.7	Litigation [ITT Cause 13]				
	Information on non-performance of contract and pending litigation furnished in Form PQW5-5				
1.8	JVCA Partner to attach copies of the original documents mentioned aside		[All documents required under ITT Clauses 5 and 25]		
The following two information are applicable for national JVCA Partners only					
1.9	JVCA Partner's Value Added Tax Registration (VAT) Number				
1.10	JVCA Partner's Tax Identification Number (TIN)				
[The foreign JVCA Partners, in accordance with ITT Clause 5, shall provide evidence by a written declaration to that effect to demonstrate that it meets the criterion]					
2. Key Activity(ies) for which it is intended to be joint ventured [ITT Clause 18]					
	Elements of Activity		Brief description of Activity		
3. Qualification Information of the JVCA Partner [ITT Clause 12]					
3.1 General Experience in Construction Works of JVCA Partner					
3.1	Start Month Year	End Month Year	Years	Contract No and & Name of Contract Name and Address of Procuring Entity Brief description of Works	Role of JVCA Partner [Prime/ Sub/ Management]
3.2	Specific Experience in Construction Works of JVCA Partner Completed Contracts of similar nature, complexity and methods/construction technology				

<table border="1"> <tr> <td>Contract No</td><td colspan="3">[insert reference no] of [insert year]</td></tr> <tr> <td>Name of Contract</td><td colspan="3">[insert name]</td></tr> <tr> <td>Role in Contract [tick relevant box]</td><td>Prime Contractor</td><td>Subcontract or</td><td>Management Contractor</td></tr> <tr> <td>Award date</td><td colspan="3">[insert date]</td></tr> <tr> <td>Completion date</td><td colspan="3">[insert date]</td></tr> <tr> <td>Total Contract Amount</td><td colspan="3">[insert amount]</td></tr> <tr> <td>If partner in a JV, specify participation of the total Contract Amount</td><td>_____ %</td><td>Amount & Currency USD/GBP/EUR/JPY delete not appropriate</td><td>[insert amount] Equivalent [insert amount]</td></tr> <tr> <td>Employer's Name Address Tel / Fax e-mail Brief description with justifications of the similarity compared to this Employer's requirements</td><td colspan="3">[state justification in support of its similarity compared to the proposed works]</td></tr> </table>				Contract No	[insert reference no] of [insert year]			Name of Contract	[insert name]			Role in Contract [tick relevant box]	Prime Contractor	Subcontract or	Management Contractor	Award date	[insert date]			Completion date	[insert date]			Total Contract Amount	[insert amount]			If partner in a JV, specify participation of the total Contract Amount	_____ %	Amount & Currency USD/GBP/EUR/JPY delete not appropriate	[insert amount] Equivalent [insert amount]	Employer's Name Address Tel / Fax e-mail Brief description with justifications of the similarity compared to this Employer's requirements	[state justification in support of its similarity compared to the proposed works]		
Contract No	[insert reference no] of [insert year]																																		
Name of Contract	[insert name]																																		
Role in Contract [tick relevant box]	Prime Contractor	Subcontract or	Management Contractor																																
Award date	[insert date]																																		
Completion date	[insert date]																																		
Total Contract Amount	[insert amount]																																		
If partner in a JV, specify participation of the total Contract Amount	_____ %	Amount & Currency USD/GBP/EUR/JPY delete not appropriate	[insert amount] Equivalent [insert amount]																																
Employer's Name Address Tel / Fax e-mail Brief description with justifications of the similarity compared to this Employer's requirements	[state justification in support of its similarity compared to the proposed works]																																		
3.3	<p>Average annual construction turnover [ITT Sub Clause 12.3]</p> <p><i>[total certified payments received for contracts in progress or completed for each year of works in progress or completed; using selling exchange rate quoted by the source being Bangladesh Bank on the date reported, if applicable]</i></p>																																		
	Year	Amount & Currency	USD/GBP/EUR/JPY delete not appropriate Equivalent																																
3.4	<p>Existing commitments and works</p> <p>[targeted to be completed by the Intended Completion Date of the proposed works; ITT Sub Clause 12.3]</p>																																		
	Name of Contract Contract no [reference] of [year] Name of Employer Contact Address Tel/fax e-mail	Target Completi on Date	Value of Existing Commitments and Works																																
			Amount & Currency USD/GBP/EUR/JPY delete not appropriate Equivalent																																
3.5	<p>Financial Resources available to meet the construction cash flow [ITT Sub Clause 12.3]</p>																																		
	No	Source of financing	Amount Available																																

			Amount & Currency	USD/GBP/EUR/JPY delete not appropriate Equivalent			
	In order to confirm the above statements the JVCA Partner shall submit, as applicable, the documents mentioned in ITT Clause 28.						
3.6	Contact Details [ITT Clause 28]						
	Name, address, and contact details of Tenderer's Bankers and other Employer(s) that may provide references if contacted by this Employer						
3.7	Qualifications and experience of key technical and administrative personnel proposed for Contract administration and management [ITT Clause 28]						
	Position Name Years of General Experience	Years of Specific Experience					
	<i>[Tenderer to complete details of as many personnel as are applicable. Each personnel listed above should complete the Personnel Information (Form PQW5-6)]</i>						
3.8	Major items of Construction Equipment proposed for carrying out the works [ITT Clause 28]						
	Item of Equipment	Condition (new, good, average, poor)	Owned, leased or to be purchased (state owner, leaser or seller)				
<i>[Tenderer to list details of each item of Major equipment, as applicable]</i>							

Signature
(Name of Authorized Signatory of the JVCA Partner)

Specialist Subcontractor Information (Form PQW5-4)

[This Form should be completed by each Subcontractor, preferably on its Letter-Head Pad]

Invitation for Pre-qualification No:

[indicate IFP No]

Tender Package No

[indicate Package No]

This Package is divided into the following Number of Lots

[indicate number of Lot(s)]

1. Eligibility Information of the Subcontractor [ITT -Clauses 5 & 25]		
1.1	Nationality of Individual or country of Registration	

1.2	Subcontractor's legal title	
1.3	Subcontractor's registered address	
1.4	Subcontractor's legal status <i>[complete the relevant box]</i>	
	Proprietorship	
	Partnership	
	Limited Liability Concern	
	Government-owned Enterprise	
	Other (please describe)	
1.5	Subcontractor's year of registration	
1.6	Subcontractor's authorised representative details	
	Name	
	Address	
	Telephone / Fax numbers	
	e-mail address	
1.7	Subcontractor to attach copies of the following original documents	All documents to the extent relevant to ITT Clause 5 and 25 in support of its qualifications
The following two information are applicable for national Subcontractors		
1.8	Subcontractor's Value Added Tax Registration (VAT) Number	
1.9	Subcontractor's Tax Identification Number(TIN)	
[The foreign Subcontractors , in accordance with ITT Clause 5, shall provide evidence by a written declaration to that effect to demonstrate that it meets the criterion]		
2. Key Activity(ies) for which it is intended to be Subcontracted [ITT Clause 19]		
2.1	Elements of Activity	Brief description of Activity
2.2	List of Similar Contracts in which the proposed Subcontractor had been engaged	

Name of Contract and Year of Execution
Value of Contract
Name of Employer
Contact Person and Contact details
Type of Work Performed

 Signature
 (Name of Authorized Signatory of the Proposed Sub-Contractor)

Historical Contract Non-Performance (PQW5-5)

[The following table shall be filled in for the Applicant and for each partner of a Joint Venture]

Applicant's Legal Name: *[insert full name]*
 Date: *[dd/mm/yy]*

Joint Venture Party Legal Name: *[insert full name]*

IFP No. and title: *[insert IFP number and title]*

Page *[insert page number]* of *[insert total number]* pages

Non-Performing Contracts in accordance with Qualification Criteria and Requirements

- Contract non-performance did not occur during the [number] years specified in Qualification Criteria and Requirements, ITA Sub Clause 13.1.
- Contract(s) not performed during the [number] years specified in Qualification Criteria and Requirements, ITA Sub Clause 13.1.

Year	Non performed portion of contract	Contract Identification	Total Contract Amount (current value)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Reason(s) for non performance: [indicate main reason(s)]	USD/GBP/EUR/JPY delete not appropriate [insert amount] equivalent

Pending Litigation, in accordance with Qualification Criteria and Requirements

- No pending litigation in accordance with Qualification Criteria and Requirements, ITA Sub Clause 13.2.
- Pending litigation in accordance with Qualification Criteria and Requirements, ITA Sub Clause 13.2 as indicated below.

Year	Outcome as Percentage of Total Assets	Contract Identification	Total Contract Amount (current value)
[insert year]	[insert percentage]	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Matter in dispute: [indicate main issues in dispute]	USD/GBP/EUR/JPY delete not appropriate [insert amount] equivalent

Personnel Information (Form PQW5-6)

[This Form should be completed for each person proposed by the Tenderer on Form PW5-2 & PW5-3, where applicable]

Name of the Applicant:	<i>[insert Title]</i>
Invitation for Tender No:	<i>[indicate IFP No]</i>
Tender Package No	<i>[indicate Package No]</i>
This Package is divided into the following Number of Lots	<i>[indicate number of Lot(s)]</i>

A. Proposed Position (tick the relevant box)		
<input type="checkbox"/> Construction Engineer	<input type="checkbox"/> Prime Candidate	<input type="checkbox"/> Alternative Candidate
<input type="checkbox"/> Key Personnel	<input type="checkbox"/> Prime Candidate	<input type="checkbox"/> Alternative Candidate
B. Personal Data		
Name:		
Date of Birth:		
Years overall experience:		
National ID Number:		
Years of employment with the Tenderer:		
Professional Qualifications:		
1.		
2.		
3.		
4.		
C. Present Employment <i>[to be completed only if not employed by the Applicant]</i>		
Name of the Employer:		
Address of the Employer:		
Present Job Title:		

Years with the present Employer:			
Tel No:	Fax No:	e-mail address:	
Contact <i>[manager/personnel officer]</i> :			
D. Professional Experience Summarise professional experience over the last twenty (20) years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the project.			
	From	To	Company / Project / Position / Relevant technical and management experience.
1			
2			
3			
4			
5			

(Name and Signature of the Proposed Personnel)

Section 4. Scope of Works

1. Description of the Works

Describe the Works in sufficient detail to identify location, nature, and complexity. Estimated quantities of major components of the Works should be indicated in the Bill of Quantities.

2. Construction Period(s)

State expected construction period and time in days or weeks or months; if alternative time schedules are permitted, give the range of acceptable construction periods.

3. Site and other Data

Provide general information on the climate, hydrology, topography, geology, access to site, transportation and communications facilities, medical facilities, project layout, facilities, services provided by the Employer, and other relevant data.

Invitation for Prequalification

[Brief Notes]

Notification and advertisement of the Invitation for Prequalification (IFP) shall be conducted in accordance with Rule 90 of the Public Procurement Rules, 2008 including amendment thereto unless otherwise specified in the foreign aided project documents. The IFP shall follow the Sample Format indicated hereafter, and as a Specific Procurement Notice shall be issued in (i) at least one national English Newspaper or Publication of wide International circulation or (ii) in UN *Development Business* online and in dgMarket and if necessary, to Foreign Trade Missions in Bangladesh of, or Bangladesh Trade Missions abroad in, countries with likely potential Applicants. **The posting of notification** in CPTU's website <http://www.cptu.gov.bd> shall be mandatory.

The IFP provides information that enables potential Applicants to decide whether to participate or not. Apart from the essential items listed in the Standard Prequalification Document, the IFP shall also indicate any important or specialized prequalification requirements requested to qualify for the pre-qualification.

Upon completion of an IFP for publication in UNDB on-line and dgMarket (<http://www.dgmarket.com>), the Employer should forward it to the appropriate Development Partner, where applicable, for prior review and subsequent submission for publication. Development Business is published in paper form twice monthly, and is continuously updated on its website at <http://www.devbusiness.com>.

Prior to publication of a Specific Procurement Notice (SPN) it is usual that the General Procurement Notice (GPN) in case of foreign aided project be posted in dgMarket. Further, pursuant to Rule 16 (11) of the Public Procurement Rules, 2008 including amendment thereto, it is mandatory that the Total Procurement Plan and updated Annual Procurement Plan under Development Budgets and, Annual Procurement Plan under Revenue Budgets; all to the extent above the thresholds as specified in Schedule II of the PPR, 2008, be duly published in CPTU's website <http://www.cptu.gov.bd> and Employer's own website, if any.

Sample Format

[to be used for publication in the dgMarket]

SPECIFIC PROCUREMENT NOTICE Invitation for Prequalification Bangladesh

[Name of Project]

[Brief Description of Works]

[Loan/Credit/Grants No, *where applicable*]

This Invitation for Prequalification follows the General Procurement Notice that appeared in Development Business No. **[insert number]** of **[insert date]**¹ on-line and in dgMarket as well as the Annual Procurement Plan posted on **[insert date]** in CPTU's website for this project .

has received/has applied for/intends to apply for

The **[insert name of Employer]** [loans/credits/grants **delete not appropriate** **I a [**

delete not appropriate **I** from the **[insert name of the Development Partner, if applicable]** toward the cost of the **[insert name of project]**, and it intends to apply part of loans/credits/grants

the proceeds of this **[delete not appropriate]** to payments under the contract for **[insert Tender Name and Lot No. of package if pre-qualification is being invited for more than one Lots, describe each Lot and indicate whether Applications may be made for prequalification for one or more of the Lots]**.² The **[insert name of Employer]** intends to pre-qualify Applicants for **[insert description of Works and Physical Services to be procured]**.³ It is expected that Invitations for Tender will be made in **[insert month and year]**.⁴

Pre-qualification will be conducted through pre-qualification procedures specified in the **[Employer's Pr ocedure Guidelines Procurement Rules,2008/DP's Guidelines]**

delete as appropriate and, is open to all Applicants from eligible source countries, as defined in the **[Act and Rules/ Guidelines]** **delete not appropriate** **[**⁵

Interested eligible Applicants may obtain further information from and inspect the Prequalification Document at the **[insert name of Employer]** address below **[state address at end of document]** from **[insert office hours]**.⁶ A complete set of the Prequalification Document in English may be purchased by interested Applicants (a) on the submission of a written application to the address below and upon payment of a non-refundable fee⁷ of **[insert amount in BD Taka]** or in **[insert amount in specified convertible currency]**. The

method of payment will be [insert method of payment].⁸ The document will be issued by [describe delivery procedure] [if permitted insert and alternatively the PQD can be purchased electronically [describe purchase procedure].

Applications for prequalification should be submitted in sealed envelopes, delivered to the address below⁹ by [insert date],¹⁰ and be clearly marked "Application to Pre-qualify for [insert name of the subsequent Tender with Application Reference and Lot Number(s)]."

[name of officer]
[name of office]
[postal address] and/or [street address]
[telephone number with country and city code]
[facsimile or cable number]
[email address]

Notes :

1. Day, month, year; for example 31 January 2002, where applicable.
2. [Insert the following if applicable]. This contract will be jointly financed by [insert name Employer's/DP's of cofinancing agency]. Tendering will be governed by the [use as appropriate] eligibility rules and procedures.
3. A brief description of the Works and Physical Services should be provided, including quantities, location of project, and other information necessary to enable potential Applicants to decide whether or not to respond to the invitation. Tender Documents may require Tenderers to have specialized experience or capabilities; such requirements should also be included in this paragraph.
4. Insert this sentence, if applicable.
5. Occasionally, contracts may be financed out of special funds that would further restrict eligibility to a particular group of member countries. When this is the case, it should be mentioned in this paragraph. Also indicate any margin of preference that may be granted as specified in the loan or credit or grant agreement and set forth in the Tender Documents.
6. For example, 0900 to 1200 hours.
7. The fee, to defray printing and mailing/shipping costs, should be nominal.
8. For example, cashier's check, direct deposit to specified account, etc.
9. The office for Tender Opening if not the same as that for inspection or issuance of Documents or for Tender Submission, each address must appear at the end of the notice and be numbered; as, for example, (1), (2), (3). The text in the paragraph would then refer to address (1), (2), etc.
10. The time allowed for preparation and submission of Applications for pre-qualification should be sufficient for Applicants to gather all the information required, but in any case **not less than 21 (twenty one) days** from the last date this SPN has been published in the relevant locations and, after the date the Pre-Qualification Documents are available, whichever is later. This period may be longer for very large projects, for which more time may be needed for the formation of Joint Ventures and assembly of the necessary resources.

Sample Format

[to be used for English Newspaper or publication of wide international circulation]

Invitation for Pre-qualification (IFP)

The **Invitation for Pre-qualification (IFP)** is a copy of the standard format as appears on the website and used for published advertisement that provides relevant and essential information to help Applicants to decide whether or not to participate in the particular Pre-qualification. This is provided in the Pre-qualification Document for information only. This should not be included in the PRE-QUALIFICATION DOCUMENT.

Invitation for Pre-qualification

*[for use when there is a SINGLE lot in a package
This is the website format and as used for published advertisement.
It is included in this document for information only]*

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH				
1	Ministry/Division	< select >		
2	Agency	< select >		
3	Procuring Entity Name	< type in name >		
4	Procuring Entity Code	Not used at present		
5	Procuring Entity District	< select >		
6	Invitation for	< select > V < select > V < select > V > < select > V		
7	Invitation Ref No	< type in name >		
8	Date	< select >		
KEY INFORMATION				
9	Procurement Method	< select > V < select > V		
FUNDING INFORMATION				
10	Budget and Source of Funds	< select > V		
11	Development Partners (if applicable)	< type in name >		
PARTICULAR INFORMATION				
12	Project / Programme Code (if applicable)	< use MOF code >		
13	Project / Programme Name (if applicable)	< use MOF name >		
14	Proposed Tender Package No.	< type in name >		
15	Proposed Tender Package Name	< type in name >		
16	IFP Publication Date	< select > V		
17	Pre-qualification Document Last Selling Date (must be the date prior to the day of Application Submission Closing Date)	< select > V		
18	Application Submission Closing Date and Time	< select > V < select > V		
19	Application Opening Date and Time	< select > V < select > V		
20	Name & Address of the office(s) - <i>Selling Pre-qualification Document</i> - <i>Downloading Pre-qualification Document</i> (This is optional. If permitted by the Procuring Entity; mention the web address where the electronic version of PQD will be available. Specify the detail procedures for payment of the cost of PQD by the Applicants, if not being provided free of charges)	Date < type in name > Address < type in name > < type in name >		
NO CONDITIONS APPLY FOR SALE , PURCHASE OR DISTRIBUTION OF PQDS				
21	- <i>Receiving Pre-qualification Document</i> - <i>Opening Pre-qualification Document</i> Place / Date / Time of pre-Pre-qualification Meeting (Optional)	< type in name > < type in name > Place < select > Date < select > Time < select >		
INFORMATION FOR TENDERER				
22	Eligibility of Applicant	< type in name >		
23	Brief Description of Works	< type in name >		
24	Brief Description of Physical Services	< type in name >		
25	Price of Pre-qualification Document	< type in price >		
	Lot No	Identification of Lot	Location	Completion Time in Weeks / Months
26	1	< type in name >	< type in name >	< type in >
EMPLOYER DETAILS				
30	Name of Official Inviting Application	< type in name >		
31	Designation of Official Inviting Application	< type in name >		

32	Address of Official Inviting Application	< type in name >		
33	Contact details of Official Inviting Application	< Tel. No. >	< Fax No. >	< e-mail >
34	The Procuring Entity reserves the right to reject all the Applications or annul the Application proceedings			

<select> : these fields are "pop-up" fields and the Employer will only have to select the correct name, address or date in order to complete the form.

<type in name> : these fields are to be completed by typing in the relevant data.

Invitation for Pre-qualification

*[for use when there are MULTIPLE lots in a package
This is the website format and as used for published advertisement.
It is included in this document for information only]*

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH					
1	Minstry/Division	< select >		V	
2	Agency	< select >		V	
3	Procuring Entity Name	< type in name >			
4	Procuring Entity Code	Not used at present			
5	Procuring Entity District	< select >	V		
6	Invitation for	< select >	V	< select >	
7	Invitation Ref No	< type in name >		V	
8	Date	< select >		V	
KEY INFORMATION					
9	Procurement Method	< select >	V	< select > V	
FUNDING INFORMATION					
10	Budget and Source of Funds	< select >	V		
11	Development Partners (if applicable)	< type in name >			
PARTICULAR INFORMATION					
12	Project / Programme Code (if applicable)	< use MOF code >			
13	Project / Programme Name (if applicable)	< use MOF name >			
14	Proposed Tender Package No.	< type in name >			
15	Proposed Tender Package Name	< type in name >			
16	IFP Publication Date	< select >			
17	Pre-qualification Document Last Selling Date (must be the date prior to the day of Application Submission Closing Date)	< select >	V		
18	Application Submission Closing Date and Time	< select >	V	< select > V	
19	Application Opening Date and Time	< select >	V	< select > V	
20	Name & Address of the office(s) - Selling Pre-qualification Document - Downloading Pre-qualification Document <i>(This is optional. If permitted by the Procuring Entity; mention the web address where the electronic version of PQD will be available. Specify the detail procedures for payment of the cost of PQD by the Applicants, if not being provided free of charges)</i>	< type in name >			
		< type in name >			
NO CONDITIONS APPLY FOR SALE , PURCHASE OR ISSUANCE OF PQDs					
21	- Receiving Pre-qualification Document - Opening Pre-qualification Document Place / Date / Time of pre-Pre-qualification Meeting (Optional)	< type in name >			
		< type in name >			
			Place	Date	Time
		< select >	V	< select >	< select >
INFORMATION FOR TENDERER					
22	Eligibility of Applicant	< type in name >			
23	Brief Description of Works	< type in name >			
24	Brief Description of Physical Services	< type in name >			
25	Price of Pre-qualification Document	< type in price >			
	Lot No	Identification of Lot	Location		Completion Time in Weeks / Months
26	1	< type in name >	< type in name >		< type in >
EMPLOYER DETAILS					

30	Name of Official Inviting Application	< type in name >
31	Designation of Official Inviting Application	< type in name >
32	Address of Official Inviting Application	< type in name >
33	Contact details of Official Inviting Application	< Tel. No. > < Fax No. > < e-mail >
34	The Procuring Entity reserves the right to reject all the Applications or annul the Application proceedings	

<select> : these fields are "pop-up" fields and the Employer will only have to select the correct name, address or date in order to complete the form. <type in name> : these fields are to be completed by typing in the relevant data.

Note: All italicized text (including footnotes) is for use in preparing this form and shall be deleted from the final product.

Prequalification Evaluation Flow Chart

Preliminary Working Draft

